IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.56 OF 2003.
IN
FIRST APPEAL NO.549 OF 1997.

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Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

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Shri S.S.Shah i/by M/s.Humrawala & Co for the Applicants.
Ms Manorama Mohanty i/by S.K.Srivastav & Co for the Respondents.

CORAM : ABHAY S.OKA, J.
DATED : 19th December, 2007.

P.C.:

1. Heard learned counsel appearing for the applicant and the learned counsel appearing for the proposed legal representatives of the respondent in appeal.

2. When order of abatement of the appeal was passed on 13th December, 2002, Civil Application (St) No.46544 of 2002 for bringing on record the heirs of the deceased respondent was already pending. However, it appears that the said fact was not brought to the notice of this Court when order dated 13th December, 2002 was passed by this Court.

3. In view of this factual position, the order dated 13th December, 2002 will have to be set aside. Accordingly, application is allowed in terms of prayer clauses (a) and (b).

JUDGE